

U.S. Department of Justice  
United States Marshals Service

Case 3:08-cv-00161-H-BLM Document 12 Filed 05/23/2008 Page 1 of 2

PROCESS RECEIPT AND RETURN

See Instructions for "Service of Process by the U.S. Marshal" on the reverse of this form.

PLAINTIFF

NEHEMIAH ROBINSON

DEFENDANT

FILED

2008 MAY 23 PM 1:13

COURT CASE NUMBER

08-CV-161-H-BLM

TYPE OF PROCESS

SUMMONS AND COMPLAINT

SERVE



NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN

JAMES E. TILTON, SECRETARY, OF THE CDCR (DIRECTOR)

ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)

AT

1515 S STREET, SUITE 502, SACRAMENTO, CA. 95814

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:

NEHEMIAH ROBINSON J-71342  
CALPATRIA STATE PRISON (A-5-148)  
P.O. BOX 5004  
CALPATRIA, CA. 92233-5004

Number of process to be served with this Form - 285

1

Number of parties to be served in this case

2008 APR 1

16

Check for service on U.S.A.

RECEIVED

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

Fold

Fold

THE NAMED DEFENDANT IS THE DIRECTOR/SECRETARY OF THE CDCR AND IS AVAILABLE FOR SERVICE AT THE ABOVE ADDRESS DURING THE HOURS OF 6:00 AM UNTIL 10:00 P.M. REVIEWED APPEAL LOG NO. CAL-B-06-00951, LOG NO. CAL-07-01769, (FOR THE THIRD LEVEL'S), AND LOG NO CAL-07-01247.

Signature of Attorney or other Originator requesting service on behalf of:

☒ PLAINTIFF  
☐ DEFENDANT

TELEPHONE NUMBER

DATE

3-20-08

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)

Total Process

1

District of Origin

98

District to Serve

98

Signature of Authorized USMS Deputy or Clerk

AScott

Date

4/10/08

I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)

☐ A person of suitable age and discretion then residing in the defendant's usual place of abode.

Address (complete only if different than shown above)

Date of Service Time am pm

Signature of U.S. Marshal or Deputy

Service Fee

Total Mileage Charges (including endeavors)

Forwarding Fee

Total Charges

Advance Deposits

Amount owed to U.S. Marshal or

Amount of Refund

04/11/08 Mailed summons and complaint

05/22/08- Received waiver of service of summons. copy to court and plaintiff.

PRIOR EDITIONS  
MAY BE USED

1. CLERK OF THE COURT

FORM USM-285 (Rev. 12/15/80)

**Waiver of Service of Summons**

RECEIVED  
U.S. MARSHAL  
SOUTHERN DISTRICT OF  
CALIFORNIA

**To: United States Marshal**

2008 MAY 22 P 2:25

I acknowledge receipt of your request that I waive service of summons in the action of Nehemiah Robinson, which is case number 08CV161 in the United States District Court of the Southern District of California. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

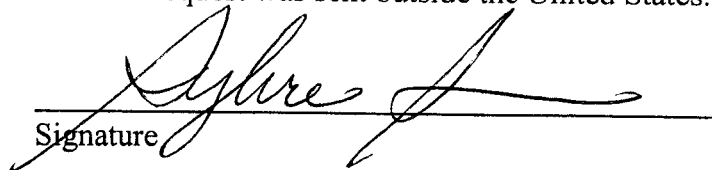
I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after April 11, 2008, or within 90 days after that date if the request was sent outside the United States.

Date: May 20, 2008

Signature



**Defendant hereby waives  
personal service of this  
Complaint pursuant to  
Rule 4(d) of the Federal  
Rules of Civil Procedure**

Printed/Typed Name: SYLVIE P. SNYDER  
[as Deputy Attorney General]  
[of the Office of the Attorney General]

Attorneys for James Tilton, Defendant

**Duty to Avoid Unnecessary Costs of Service of Summons**

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A Defendant located in the United States who, after being notified of an action and asked by a Plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the costs of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A Defendant who waives service must within the time specified on the waiver form serve on the Plaintiff's attorney (or unrepresented Plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that Defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.